

1 WILLIAM A. ISAACSON (*Pro hac vice*)
2 (wisaacson@bsflp.com)
3 STACEY K. GRIGSBY (*Pro hac vice*)
4 (sgrigsby@bsflp.com)
5 NICHOLAS A. WIDNELL (*Pro hac vice*)
6 (nwidnell@bsflp.com)
7 BOIES SCHILLER FLEXNER LLP
8 1401 New York Avenue, NW, Washington, DC 20005
9 Telephone: (202) 237-2727; Fax: (202) 237-6131

7 RICHARD J. POCKER #3568
8 (rpocker@bsflp.com)
9 BOIES SCHILLER FLEXNER LLP
10 300 South Fourth Street, Suite 800, Las Vegas, NV 89101
11 Telephone: (702) 382-7300; Fax: (702) 382-2755

10 DONALD J. CAMPBELL #1216
11 (djc@campbellandwilliams.com)
12 J. COLBY WILLIAMS #5549
13 (jcw@campbellandwilliams.com)
14 CAMPBELL & WILLIAMS
15 700 South 7th Street, Las Vegas, NV 89101
16 Telephone: (702) 382-5222; Fax: (702) 382-0540

15 *Attorneys for Defendant Zuffa, LLC, d/b/a*
16 Ultimate Fighting Championship and UFC

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
22 Kingsbury on behalf of themselves and all
23 others similarly situated,

24 Plaintiffs,

25 v.

26 Zuffa, LLC, d/b/a Ultimate Fighting
27 Championship and UFC,

28 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

ZUFFA, LLC'S MOTION FOR
EXTENSION OF TIME TO FILE
ITS REPLY IN SUPPORT OF ITS
MOTION FOR PARTIAL
SUMMARY JUDGMENT AS TO
PLAINTIFF NATHAN QUARRY
ON STATUTE OF LIMITATIONS
GROUNDS (ECF NO. 347) (Second
Request)

1 Zuffa, LLC (“Zuffa”) moves for a one-week extension of time to file its reply in support
2 of its Motion for Partial Summary Judgment as to Plaintiff Nathan Quarry on Statute of
3 Limitations Grounds (ECF No. 347) (“SJ Motion”). Zuffa’s reply is currently due on Monday,
4 April 24, 2017. Zuffa requests a one-week extension such that its reply would be due on
5 Monday, May 1, 2017. This is the second request for an extension of the deadline to brief Zuffa’s
6 motion for partial summary judgment. Zuffa filed its motion for partial summary judgment on
7 February 1, 2017. The Court previously granted a stipulated extension, which extended the date
8 for Plaintiffs to file their opposition to March 24, 2017 and set the date for Zuffa’s reply as April
9 24, 2017. ECF No. 354. In the stipulation, the parties “agreed that due to multiple depositions
10 being scheduled during the upcoming several weeks” prior to the original due date of Plaintiffs’
11 opposition, an extension of the deadlines was appropriate. *Id.* at 1. On April 22, 2017, counsel for
12 Zuffa sent an email to Plaintiffs’ counsel inquiring whether they would oppose this motion.
13 Plaintiffs have yet to respond to this request from Zuffa’s counsel. For the reasons below, Zuffa
14 can show that just cause exists as a result of extraordinary circumstances and that the Court
15 should therefore grant a short, one-week extension of the reply deadline.

16 The extraordinary nature of the burden placed on Zuffa to prepare for, take, and defend
17 the enormous number of depositions Plaintiffs noticed for the final three weeks in April, as well
18 as separately brief Plaintiffs’ emergency motion in an attempt to reschedule two apex depositions
19 of Zuffa witnesses originally scheduled for April 24 and April 28, provides just cause to extend
20 the reply deadline. Over the past month, Zuffa has had to prepare for numerous depositions
21 Plaintiffs have noticed and repeatedly rescheduled. Since March 23, 2017, Plaintiffs have noticed
22 16 depositions, and noticed six depositions for April 28 alone. Declaration of Stacey K. Grigsby
23 in Support of Zuffa, LLC’s Motion for Extension of Time to File Its Reply in Support of Its
24 Motion for Partial Summary Judgment As to Plaintiff Nathan Quarry on Statute of Limitations
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1 Grounds (“Grigsby Decl.”) ¶ 9. Since early April, counsel for Zuffa has been fully engaged with
 2 preparing Zuffa deponents, defending Zuffa witnesses, and taking or preparing to take third-party
 3 depositions as listed below. *Id.* ¶¶ 5, 11. At one point, Plaintiffs had noticed over 10 depositions
 4 for the week of April 24, including three separate 30(b)(6) depositions of Moody’s Investors
 5 Service, Inc., Deutsche Bank Securities, Inc., and WME, the company that was part of a group of
 6 investors that acquired Zuffa in 2016. As detailed in Zuffa’s Opposition to Plaintiffs’
 7 Emergency Motion to Reschedule Depositions, Plaintiffs have noticed depositions and failed to
 8 follow up with witnesses to confirm scheduling or availability. As a result, counsel for Zuffa has
 9 contacted counsel for third parties only to learn that a deposition would not take place. ECF No.
 10 380 at 1-3. Notably, Plaintiffs waited until the last minute to notice many depositions, despite
 11 knowing for over six months that the deadline for fact discovery is May 1, 2017. *Id.* ¶ 3.

13 Finally, on Friday, April 21, Plaintiffs filed an emergency motion to reschedule the
 14 depositions of former Zuffa Executive Vice-President and Chief Legal Officer Kirk Hendrick and
 15 Zuffa Chief Operating Officer Ike Lawrence Epstein. While Plaintiffs are attempting to
 16 reschedule the depositions of Mr. Hendrick and Mr. Epstein, Zuffa had been, prior to Friday,
 17 April 21, proceeding as if those apex depositions were taking place as scheduled and has been
 18 working diligently to prepare those witnesses. *Id.* ¶ 5. Plaintiffs’ counsel notified Zuffa at 10:26
 19 p.m. Eastern time on Friday, April 21 that Plaintiffs would not take the depositions of Mr.
 20 Hendrick and Mr. Epstein as scheduled. *Id.* ¶ 9. Nevertheless, before receiving confirmation that
 21 those depositions would not proceed, Zuffa has expended time and effort preparing for these
 22 depositions. Due to the emergent nature of Plaintiffs’ request and because Zuffa’s witnesses and
 23 counsel had made arrangements to attend these depositions, Zuffa had to dedicate resources to
 24 responding to Plaintiffs’ motion that same day. *Id.* ¶¶ 6-8.

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1 Zuffa respectfully requests that a brief, one-week extension of time to file its reply be
2 granted because just cause and extraordinary circumstances exist because of the significant
3 number of depositions noticed in the final weeks of April and because Zuffa's counsel became
4 fully occupied responding to correspondence and motions practice concerning deposition
5 scheduling and discovery.

6
7 Dated: April 23, 2017

Respectfully Submitted,

9 BOIES SCHILLER FLEXNER LLP

10 By: /s/ Stacey K. Grigsby

11
12 WILLIAM A. ISAACSON (*Pro hac vice*)
(wisaacson@bsflp.com)

13 STACEY K. GRIGSBY (*Pro hac vice*)
(sgrigsby@bsflp.com)

14 NICHOLAS A. WIDNELL (*Pro hac vice*)
(nwidnell@bsflp.com)

15 BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW, Washington, DC 20005
16 Telephone: (202) 237-2727; Fax: (202) 237-6131

17 RICHARD J. POCKER #3568
(rpocker@bsflp.com)

18 BOIES SCHILLER FLEXNER LLP
19 300 South Fourth Street, Suite 800, Las Vegas, NV
89101

20 Telephone: (702) 382 7300; Fax: (702) 382 2755

21 DONALD J. CAMPBELL #1216
(djc@campbellandwilliams.com)

22 J. COLBY WILLIAMS #5549
(jcw@campbellandwilliams.com)

23 CAMPBELL & WILLIAMS
24 700 South 7th Street, Las Vegas, NV 89101
25 Telephone: (702) 382-5222; Fax: (702) 382-0540

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